

Application No.: 10/058,229Docket No.: 300200286-3 (1509-266)**REMARKS**

The Office Action of September 6, 2005 has been considered in detail, and Applicants' hereby submit their comments to the Office Action below.

Independent claims 1 and 21 have been amended to define Applicants' contribution to the art with greater clarity, as have claims 2, 16, 17, 23, 25, 26 and 27. Claims 2, 3, 30-32 have been amended to assure open ended coverage. Claims 25, 29 and 41 are amended so they are infringed when the goods are sold, prior to being used. Claim 20 has been cancelled and replaced by claims 46048, the positively recite the three possible situations of step (d) of claim 1.

The specification has been amended to cross-reference the international applications in the specification.

**Rejections Under 35 U.S.C. §102**

Applicant cannot agree that independent claims 1, 21 and 41 were properly rejected under 35 U.S.C. §102(e) as being anticipated by Slezak (U.S. Patent 6,647,119).

Slezak does not present the user with a choice of services by presenting corresponding audio labels to the user. The only embodiment of Slezak that could be argued to present an audio representation of even a service is the Figure 3 arrangement for audibly notifying the user of an event in an application. Such a notification arguably includes an implicit indication of the service giving rise to the notified event. However, the Figure 3 embodiment by Slezak does not disclose presenting the user with a choice of services.

Further, the editing arrangement described in connection with Figure 10 of Slezak is primarily a graphic interface for editing the sound sources. At most, one sound source might be

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sounded to the user at any one time to aid editing. Not only does Slezak not present the use with a choice of services through corresponding audio labels, there is no disclosure in Slezak of the user being able to select a service by indicating the corresponding audible representation.

Claim 2 further distinguishes over Slezak by requiring the service selection to be effected by rotating the audio field to bring the service sound source into a selection position. Slezak does not refer to rotating the audio field. In Figure 10 of Slezak, a graphical representation of the audio field is rotated to assist in editing the sound source, which is not the same as rotating the audio field itself.

Claim 3 requires an audio cursor to be aligned with the audio label of the service to be selected. The Examiner refers to Figure 9 of Slezak, which describes an audio cursor that emulates the displacement of a screen cursor. However, there is no disclosure in connection with Fig. 9 of Slezak that an audio service label is present, or that alignment of the audio cursor and service label can be used to effect service selection.

For the above reasons, the subject-matter of independent claims 1, 21 and 41 is not anticipated by Slezak. The dependent claims are allowable for the same reasons advanced for claims 1, 21 and 41, as well as for the reasons advanced for claims 2 and 3, and withdrawal of the rejection under 35 U.S.C. §102 is in order.

### **Rejection Under 35 U.S.C. §103**

Applicants traverse the rejection of claims 4, 24 and 44 under 35 U.S.C. §103(a) as being obvious over Slezak (U.S. Patent 6,647,119).

Claim 4 of the present invention states that service selection is effected by speaking the service audio label. The Examiner argues that it would have been obvious to select a service

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using speech recognition, however the audio outputs produced by Slezak are not speakable outputs, but mere sounds such as a bell, tone or chime; see column 5, line 49 of Slezak.


In view of the foregoing amendments and remarks, favorable reconsideration and allowance are in order.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 08-2025, and please credit any excess fees to such deposit account.

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Respectfully submitted,

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